



**MINUTES
BOARD OF NURSING
FULL BOARD MEETING
WEDNESDAY, JANUARY 24, 2007**

MEMBERS PRESENT: SHARON PAPPAS, RN, PRESIDENT; JUDITH BURKE, RN, NP, VICE PRESIDENT; CANDACE BERARDINELLI, RN, PHD, PEGGY BUNKE, RN, NP; TONI GIBBONS, LPN; THOMAS KANAN, JD; JOHN KLEINHEKSEL, JD; JANET PUGLISI, RN; SANDRA SUMMERS, RN; BETTY WOLFE, LPN

PRESIDING: SHARON PAPPAS, RN, PRESIDENT

COUNSEL: SUSAN PROSE, ASSISTANT ATTORNEY GENERAL

STAFF: MARK MERRILL, PROGRAM DIRECTOR

Convene and Role Call (9:01 A.M.)

Sharon Pappas, RN, President, called the meeting to order and conducted a roll call of the Board members present. All were present except as noted:

- Vicki Broerman, RN was absent from the meeting.
- Jack Kleinheksel, JD arrived at 9:13 A.M.
- Judith Burke, RN, NP arrived at 9:14 A.M.

Approval of Minutes (9:17 A.M.)

A Motion was made, seconded, and carried to approve the October 25, 2006 Full Board meeting minutes.

Program Director's Report (9:18 A.M.)

Mark Merrill, Program Director, introduced new Board of Nursing staff: Rita Postolowski, Licensing and Contracts Manager, and Karen Dechant, Nurse Compact Administrator, to the Board.

Mark also noted the decision of the Division of Registrations to select Promissor as the test vendor for Certified Nurse Aides beginning April 1, 2007. The Board noted this change.

Memo from Susan Miller, Healthcare Section Director (9:20 A.M.)

Susan Miller, Director of the Healthcare Section, discussed House Bill 06S-1009 by the Colorado Legislature, which requires the Division of Registrations to verify that applicants for licensure be lawfully present in the United States. Ms. Miller explained that applicants must sign the Affidavit of Eligibility attesting that they possess documentation such as a driver's license, or military ID, to meet this requirement as part of the application process. The Board noted this requirement.

Susan Miller also noted that the new administration had begun under Governor, Bill Ritter, Jr. and the appointment of the new Executive Director of the Department of Regulatory Agencies, D. Rico Munn. The Board noted these changes to the administration.

Rulemaking Hearing: Chapter II – Rules and Regulations for the Approval of Nursing Education Programs (9:29 A.M.)

At 9:29 A.M., the Board convened a public rulemaking proceeding to consider, pursuant to notice, a proposed repeal and readoption of the Chapter II Rules.

The Board reviewed written testimony previously submitted by Gayle Preheim, RN, Ed.D., CNAA, BC, CNE, Director, Baccalaureate Nursing Program, University of Colorado at Denver and Health Sciences Center, and noted her inquiry and comments.

The Board heard public testimony given at the meeting from the following speakers:

1. Jody Parks Doyle, CCCS 9101 E. Lowery, Denver
2. Susan Schewring, Director of Nursing Program, Arapahoe Community College
3. Barb Stoner, Arapahoe Community College
4. Mary Kontz, Colorado State University – Pueblo
5. Carol Alexander, Chairperson, Alliance of Clinical Education
6. Becky Lynch, Denver School of Nursing
7. Gayle Preheim, Director, BSN Program, UCHSC Denver

At 10:12 A.M. public testimony was concluded and the Board took a fifteen minute recess.

At 10:29 A.M. Sharon Pappas, President, reconvened the Rulemaking Hearing and the Board entered into a work session to discuss proposed revisions and written and oral testimony.

At 11:34 A.M., after a full opportunity for submission of oral or written comments by the public at the January 24, 2007 Rulemaking Hearing, and after due consideration, a Motion was made, seconded and carried to repeal the existing Chapter II Rules and readopt the revised Chapter II Rules, including the statement of basis, statutory authority, and purpose. The Chapter II Rules and Regulations as adopted are attached and incorporated herein by this reference and became effective April 2, 2007.

Lunch

At 11:35 A.M. the Board recessed for a 1 hour lunch break. Tom Kanan, JD left the meeting.

Policy Changes (12:32 P.M.)

Six new policies were presented to the Board for adoption. Sixty-nine existing policies were reviewed for revision, minor formatting changes or recommended for deletion. After discussion, a motion was made, seconded and carried to accept the six new policies, delete the thirty-four policies suggested for deletion, and to accept the changes on the thirty-five remaining policies as amended.

Matters Relating to Unlicensed Persons (12:57 P.M)

I. Diana M. Test

2007-000425

The Board reviewed a Report of Investigation from Peggy Ripko, and supporting documentation. After discussion, a Motion was made, seconded and carried to initiate injunction proceedings with the Attorney General's Office and refer Ms. Test's case to the local District Attorney's office.

II. Gay E. Copher

2006-004225

The Board reviewed a Report of Investigation from Linda Volz and supporting documentation. After discussion, a Motion was made, seconded and carried to dismiss the case.

III. Unknown Nurse Tammy

2007-000812

The Board reviewed a Report of Investigation from Linda Volz and supporting documentation. After discussion, a Motion was made, seconded and carried to dismiss the case.

IV. Melisha McClung

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The Board reviewed a memorandum from Y.E. Scott, Assistant Attorney General and the Board authorized a counter offer to rescind referral to the Office of the Attorney General and close the case.

Open Forum (1:09 P.M.)

Jodi McFarland. Ms. McFarland read a letter regarding her opinions and experiences relating to the continued competency requirements for RN reinstatement. The Board noted Ms. McFarland's comments.

Colorado Nurse Health Program (CNHP) Year End Report (1:22 P.M.)

The Board reviewed a memorandum and report from Marjorie Derozier, Director, and noted the contents of that report.

Insulin in the School Setting: Joint Response Letter (1:28 P.M.)

Kathy Patrick, RN, MA, Principal Consultant School Health Services with the Department of Education, and Leah Wyckoff, RN, BSN, School Nurse, Douglas County Schools and President of the Colorado Association of School Nurses, presented a memorandum to the Board regarding their position on administration of insulin in the school setting. Steve Berringer of the American Diabetes Association was also present to answer Board questions.

After discussion, the Board determined to form a small group to explore and draft a response to the group. The small group is comprised of Sharon Pappas, RN, Janet Puglisi, RN, and Peggy Bunke, RN. The draft of the letter will be sent electronically to Board members for final approval.

Staff Reports (1:48 P.M.)

Proposed Position Paper on the Employment of Unlicensed Student Nurses as Nurse Interns

The Board reviewed a memorandum and proposed position statement from Linda Metzner, Practice Specialist, and Daniel St. Laurent, Graduate Student.

The Board decided to omit the words, “such as” from the second full paragraph in the position statement so that it would read: “As such, it is the recommendation of the Board that the nursing students being employed in this manner be identified appropriately with the title, “nursing student extern.”

After discussion, the Board asked that this position statement be drafted as a Board Policy to be presented for their review at the April 25, 2007 Full Board Meeting.

Collaborative Agreements for Advanced Practice Nurses with Prescriptive Authority in Federal Practice

The Board reviewed a memorandum from Linda Metzner, Practice Specialist and a letter from Barbara Mellor, CNM, and Captain Brian Cunningham of the US Air Force asking for clarification of the Board’s position on the requirement of maintaining a Collaborative Agreement with a licensed in good standing Colorado physician when practicing in a Federal facility.

The Board stated that the language in C.R.S. § -12-38-111.6 (4)(IV)(d)(I) requires that the Advanced Practice Nurse with Prescriptive Authority must retain a collaborative agreement with a licensed in good standing Colorado physician in order to maintain Prescriptive Authority, regardless of the setting of the Advanced Practice Nurse’s practice.

Nursing Education Reports (2:00 P.M.)

Phase I Applications:

I. Mile High Academy – PN Program. The Board reviewed a memorandum from Roberta Hills, Education Manager, and supporting documentation. After discussion, a Motion was made, seconded and carried to deny the Phase I application.

II. Colorado Technical University – ADN Program. The Board reviewed a memorandum from Roberta Hills, Education Manager, and supporting documentation. After discussion, a Motion was made, seconded and carried to approve Phase I application and to advance to the Phase II application process pending clarification on the organizational structure, a place on the timeline for when an administrative assistant will be hired, evidence of space designated for the faculty advising and counseling, and an additional pediatric clinical placement for 40 students.

III. Academy of Medical and Health Science – PN Program. The Board reviewed a memorandum from Roberta Hills, Education Manager and supporting documentation. After discussion, a Motion was made, seconded and carried to deny the Phase I application.

IV. Accent Learning – PN Program. The Board reviewed a memorandum from Roberta Hills, Education Manager, and supporting documentation. After discussion, a Motion was made,

seconded and carried to approve the Phase I application and grant Accent Learning the ability to move onto Phase II pending clarification of the Mentor agreement. The Board approved planning for the admission of 32 students, and not 40 students based on the clinical experiences available. The Board noted that Phase II application approval would not be granted until the lab and library are in place.

V. National American – ADN Program. The Board reviewed a memorandum from Roberta Hills, Education Manager, and supporting documentation. After discussion, a Motion was made, seconded and carried to deny the Phase I application.

Phase II Applications:

I. Colorado Christian University LPN to AAS in Nursing. The Board reviewed a memorandum from Roberta Hills, Education Manager and supporting documentation. After discussion, a Motion was made, seconded and carried with one abstention from Candace Berardinelli, to approve the Phase II application granting Colorado Christian University permission to start their LPN to AAS in nursing program and admit students, pending the production of a sample document that shows the following information from the Datatel system:

- Faculty file—official transcript, nursing license, resume, annual evaluations
- Student file—immunization records (Polio, MMR, DPT & DT, HepB, HepA, Varicella, criminal background check, drug screen, official LPN license, current CPR card, physical exam signed by a physician, health insurance coverage, annual TB skin test, official transcripts, HESI test, malpractice insurance.

Per the requirements outlined in the Chapter II Rules, the Board will also require the submission of an organizational chart that demonstrates the relationship of the DNEP with the 6 support team personnel identifying:

- Clear lines of authority
- Details of the responsibilities related to the nursing program
- Channels of communication
- How the personnel are evaluated by the DNEP

II. American College—PN Program. The Board reviewed a memorandum from Roberta Hills, Education Manager, and supporting documentation. After discussion, a Motion was made, seconded and carried to deny the Phase II application.

Phase IV Applications:

I. Mesa State College—LPN to AAS in Nursing. The Board reviewed a memorandum from Roberta Hills, Education Manager, and supporting documentation. After discussion, a Motion was made, seconded and carried to grant Phase IV full approval as soon as the program develops a grievance policy and identifies when this policy will appear in the appropriate public document such as the nursing student handbook.

5 Year Site Visits for Continuing Approval

I. Delta Montrose Technical College—PN Program. The Board reviewed a memorandum from Roberta Hills, Education Manager, and supporting documentation. After discussion, a

Motion was made, seconded and carried to delay the decision for continued approval until August 2007 at which time the college must have corrected the deficiencies identified including those deficiencies not included in the plan submitted.

II. Emily Griffith Opportunity School—PN Program. The Board reviewed a memorandum from Roberta Hills, Education Manager, and supporting documentation. After discussion, a Motion was made, seconded and carried to delay the decision for continued approval until October 2007, giving the college one year to correct the deficiencies identified.

Waiver Requests

Colorado State University—BSN Program. The Board reviewed a memorandum from Roberta Hills, Education Manager, and supporting documentation whereby Colorado State University requested a waiver for the faculty requirement for a Masters Degree in Nursing for a faculty member who has a Master's Degree in Health Education and who presented evidence of professional development in a nursing specialty. After discussion, a Motion was made, seconded and carried to waive the faculty requirement for a MS degree in Nursing for Beverly I. Waggener, who has a BS in Nursing from the University of Missouri, an MS in Health Education from Portland State University, and academic course work and certifications in oncology and occupational health nursing.

Request for Reinstatement of Full Approval

Colorado State University (CSU)—BSN Program. The Board reviewed a memorandum from Roberta Hills, Education Manager, and supporting documentation. After discussion, a Motion was made, seconded and carried to reinstate Full Approval to Colorado State University for their BSN nursing program.

Nurse Aide Education Reports (2:35 P.M.)

The following decisions issued by Marlene Patacky, Program Inspector were ratified by the Board of Nursing:

I. Interim Approval of CNA Training Programs:

- TSOC CNA Training Program—Colorado Springs 11/28/06
- Denver CNA Training School—Denver 11/28/06
- Summit High School Med Prep CNA—Frisco 12/04/06
- Falcon High School CNA Training Program—Colorado Springs 1/02/07

II. Full Approval of CNA Training Programs:

- Front Range Nurse Aide Training Program—Colorado Springs 10/09/06

III. Continuing Approval of CNA Training Programs:

- Progressive Care Center—Canon City 8/17/06
- Valley View Health Care Center—Canon City 8/17/06
- Community College of Denver—Denver 9/14/06
- Front Range Community College—Longmont 9/21/06

- Pueblo Community College—Pueblo 9/26/06
- Sterling Living Center—Sterling 10/31/06
- Pine Ridge Extended Care Center—Pagosa Springs 11/02/06
- T.H. Pickens Technical Center—Adult CNA—Aurora 11/13/06
- T.H. Pickens Technical Center—High School CNA—Aurora 11/13/06
- Pikes Peak Care Center—Colorado Springs 12/04/06
- Bollman Technical Education Center—Thornton 12/14/06

IV. Reactivating and Continuing Approval of CNA Training Programs

- Larchwood Inns—Grand Junction 12/04/06
- University Park Care Center—Pueblo 12/30/06

2005 Nurse Aide Training Programs Annual Report Highlights

The Board noted the memorandum and report prepared by Marlene Patacky, Program Inspector pertaining to the 2005 annual reports from the CNA programs.

Quarterly Case Statistics Report-Office of the Attorney General (2:55 P.M.)

The Board noted a memorandum from Y.E. Scott, Assistant Attorney General, with the quarterly case statistics from the Office of the Attorney General.

There being no further business the Board adjourned the meeting at 3:00 P.M.

Sharon Pappas, RN, President
Colorado Board of Nursing